



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/461,225	12/16/99	JAMES	A 84594-102/ME

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AIR MAIL

EXAMINER

CROW, S

ART UNIT

PAPER NUMBER

3764

DATE MAILED:

08/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/461,225

Applicant(s)
James

Examiner
S. Crow

Group Art Unit
3764



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bresnahan.

Bresnahan discloses a starting block shown in a figure 1 use position. The examiner contends that the Bresnahan device can be used in other positions such as wherein the element 9 rests upon a support surface. In light of this perspective, note the base 9, foot plate A, pivot means 7 adjustable support 12 which is pivotally mounted on base 9 where it can be pivoted to a use position or collapsed to the folded position shown in figure 2. As to claim 4, note plural stops 6 on foot plate A.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


4. Claims 6,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bresnahan in view of McCafferty et al.

McCafferty et al discloses an adjustable starting block having ant-skid material 24 on one surface 22. Given this teaching, it would have been obvious to one skilled in the art to provide the Bresnahan device with anti-skid material on both use surfaces 9 and A for providing a "gripping" surface for engaging the user's foot and for providing anti-slip for engagement with an indoor support surface.

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bresnahan.

Bresnahan shows in figure 2 that the combined lengths of the adjustable support and base member are generally equal to the length of the foot support. The examiner contends that making the relative lengths substantially the same would have been an obvious design choice for reduction in the collapsed size.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Crow whose telephone number is (703) 308-3398.


STEPHEN R. CROW
PRIMARY EXAMINER
ART UNIT 332